

Robert Greene Sterne
 Edward J. Kessler
 Jorge A. Goldstein
 David K.S. Cornwell
 Robert W. Esmond
 Tracy-Gene G. Durkin
 Michele A. Cimbala
 Michael B. Ray
 Robert E. Sokohl
 Eric K. Steffe
 Michael Q. Lee
 Steven R. Ludwig
 John M. Covert
 Linda E. Alcorn
 Robert C. Millonig
 Donald J. Featherstone
 Timothy J. Shea, Jr
 Michael V. Messinger
 Judith U. Kim

Patrick E. Garrett
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 Eldora L. Ellison
 Thomas C. Fala
 Albert L. Ferro
 Donald R. Banowitz
 Peter A. Jackman
 Jeffrey S. Weaver
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 Elizabeth J. Haanes
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 Rae Lynn P. Guest
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 Michael J. Mancuso
 Bryan S. Wade
 Aaron L. Schwartz

Shannon A. Carroll*
 Wesley W. Jones*
 Matthew E. Kelley*
 Michelle K. Holoubek*
 Marsha A. Rose*
 Registered Patent Agents*
 Karen R. Markowicz
 Nancy J. Leith
 Matthew J. Dowd
 Katrina Yujian Pei Quach
 Bryan L. Skelton
 Robert A. Schwartzman
 Teresa A. Colella
 Victoria S. Rutherford
 Simon J. Elliott
 Julie A. Heider
 Mita Mukherjee

Scott M. Woodhouse
 Christopher J. Walsh
 Liliana Di Nola-Baron
 Peter A. Socarras
 Jeffrey Mills
 Of Counsel
 Kenneth C. Bass III
 Marvin C. Guthrie
 *Admitted only in Maryland
 *Admitted only in Virginia
 •Practice Limited to
 Federal Agencies

December 16, 2005

1/16
WRITER'S DIRECT NUMBER:
 (202) 772-8835

INTERNET ADDRESS:
 TFIALA@SKGF.COM

Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

Art Unit 2154

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application
 Application No. 10/660,740; Filed: September 12, 2003
 For: **Seamlessly Networked End User Device**
 Inventor: Henry T. NICHOLAS, III
 Our Ref: 1875.3260001

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. Form PTO/SB/08A listing TWO (2) documents (1 page);
3. Form PTO/SB/08B listing FOUR (4) documents (1 page);
4. Copies of Doc Nos. FP1, NPL1 - NPL4, as listed on Forms PTO/SB/08A and PTO/SB/08B; and
5. ONE (1) return postcard.

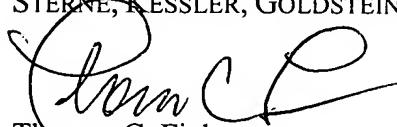
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
December 16, 2005
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Thomas C. Fiala
Attorney for Applicant
Registration No. 43,610

TCF/mjg
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Henry T. NICHOLAS, III

Appl. No.: 10/660,740

Filed: September 12, 2003

For: **Seamlessly Networked End User
Device**

Confirmation No.: 4936

Art Unit: 2154

Examiner: To Be Assigned

Atty. Docket: 1875.3260001

Information Disclosure Statement

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicant has checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR **before the mailing date of a first Office Action on the merits** OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date

of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p).
- 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee.

Enclosed find our PTO-2038 Credit Card Payment Form in the amount of
\$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- 6. A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3).

7. Copies of documents **FP1, NPL1 - NPL4** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), no copy of U.S. patent application publications (**Doc. No. US1**) cited on the attached IDS Forms are submitted.

8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

9. It is expected that the examiner will review the prosecution and cited art in the parent application no(s). _____ in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Thomas C. Fiala
Attorney for Applicant
Registration No. 43,610

Date: 12/16/05

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600



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Substitute for Form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/660,740
				Filing Date	September 12, 2003
				First Named Inventor	Henry T. NICHOLAS, III
				Art Unit	2154
				Examiner Name	To Be Assigned
Sheet	1	of	2	Attorney Docket Number	1875.3260001

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
US1	US 2002/0085516 A1		07/04/2002	Bridgelall	
US2					
US3					
US4					
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US6					
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US8					
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US15					
US16					
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US18					
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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			
FP1	WO 00/74429 A1		12/07/2000	Motorola Inc.	T ⁶
FP2					
FP3					
FP4					
FP5					
FP6					
FP7					
FP8					
FP9					

Examiner Signature	Date Considered
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	10/660,740
		Filing Date	September 12, 2003
		First Named Inventor	Henry T. NICHOLAS, III
		Art Unit	2154
		Examiner Name	To Be Assigned
Sheet	2	of	2
		Attorney Docket Number	1875.3260001

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published		T ²
	NPL1	Y. TSUCHIYA et al., "Fieldcast: Making The Best Use Of Heterogeneous Access Networks", NTT Review, September 1, 2002, pp27-32, Vol. 14, No. 5, Telecommunications Association, Tokyo Japan.		
	NPL2	H.J. WANG et al., "Policy-Enabled Handoffs Across Heterogeneous Wireless Networks", Mobile Computing Systems And Applications, WMCSA 1999, February 25, 1999, pp 51-60, IEEE, New Orleans, Louisiana.		
	NPL3	European Search Report issued in EP Appl. No. 04021592.3-2412 on November 21, 2005, 3 pages.		
	NPL4	European Search Report issued in EP Appl. No. 03020767.4-2416 on November 21, 2005, 3 pages.		
	NPL5			
	NPL6			
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